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FACTS

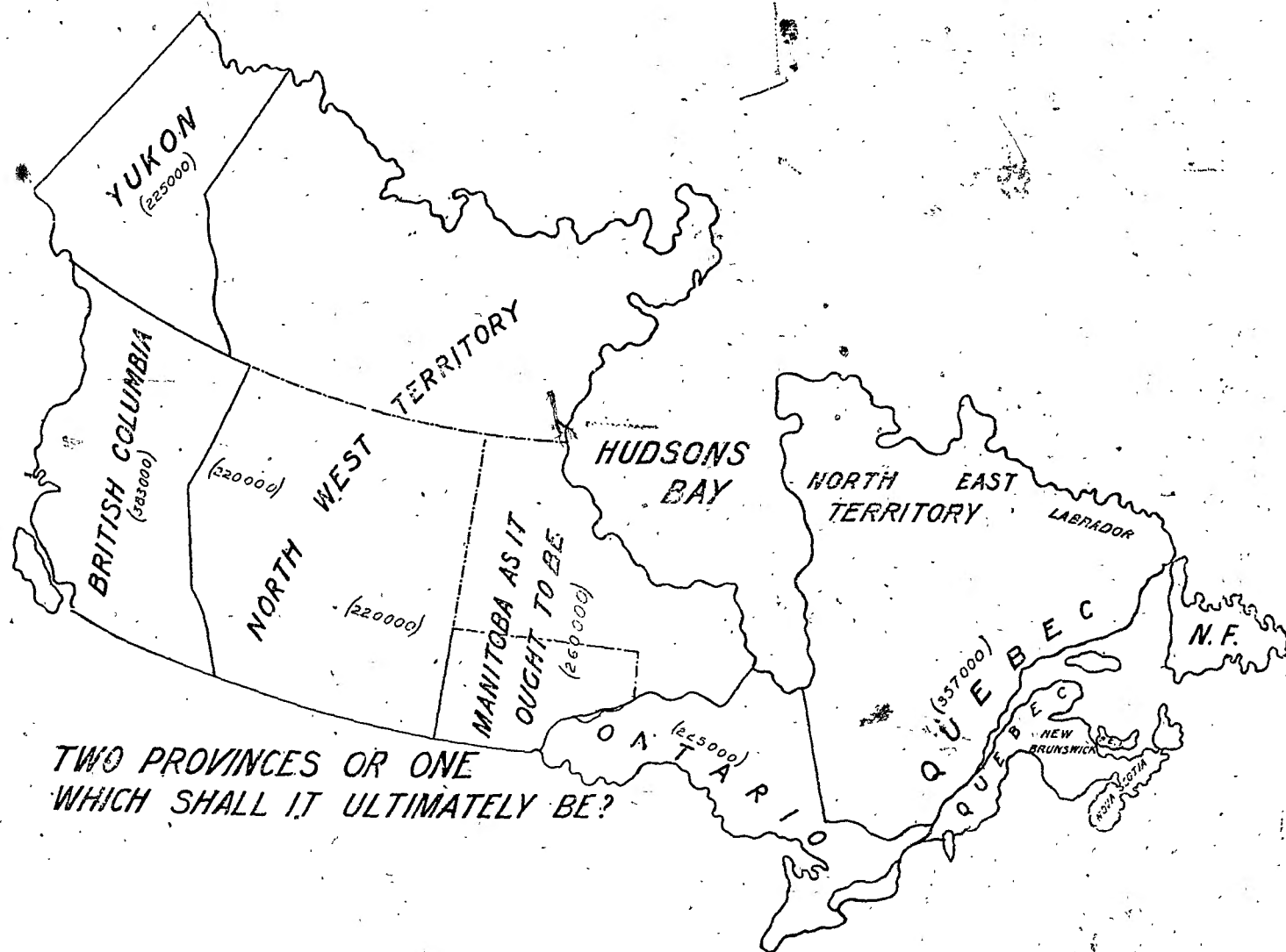
Bearing on the Future

OF THE

North-West Territories.

Compiled for Electors of Yorkton.

PRINTED AT THE YORKTON ENTERPRISE OFFICE.



ELECTORS OF YORKTON;

Gentlemen;—

The agitation which has been fostered in the neighborhood of Calgary for some years to have the provisional district of Alberta separated from these Territories and established as a province with Calgary as its capital and the opinion expressed by the Premier of the Territories on the question of the establishment of a province in the Territories make it incumbent on candidates for election to the next legislature to discuss with electors this most important question. I need scarcely point out to older residents of the Yorkton district that not only in the legislature, but outside of it, I have lost no opportunity to urge that the matter of establishing a province or provinces in the Territories should be delayed as long as possible. It is too soon to give our local legislature power to mortgage the future of this young country by borrowing money on the public credit.

In view of the fact that this issue is certain to be raised in the next legislature and in view of the difficulty most of us find in laying our hands on original sources of information, I have compiled this pamphlet for the purpose of placing in your hands, in a convenient form, much of the information required for a study of the questions involved in the establishing of new provinces in the Territories, and I venture to hope that it may be found useful in following such debates as may hereafter arise on these questions.

Your obedient servant,

T. A. PATRICK.

Yorkton, Oct. 10th., 1898.

2

RESPECTING THE ESTABLISHMENT OF NEW PROVINCES, AND ALTERATION
OF THE BOUNDARIES OF EXISTING PROVINCES.

"The Parliament of Canada may, from time to time establish new provinces in any territories forming, for the time being, part of the Dominion of Canada, but not included in any province thereof, and may at the time of such establishment make provision for the constitution and administration of any such province and for the passing of laws for the peace, order and good government of such province, and for its representation in the said Parliament."

"The Parliament of Canada may, from time to time with the consent of the legislature of any province of the said Dominion, increase, diminish or otherwise alter the limits of such province upon such terms and conditions as may be agreed to by the said legislature and may with the like consent make provisions respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any province affected hereby.

"Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provision of any other Act hereafter establishing new provinces in the said Dominion."

BRITISH NORTH AMERICA ACT 1871, SEC. 2, 3, AND PART OF 6.

POWERS OF PROVINCIAL LEGISLATURES CONTRASTED WITH THOSE OF THE
LEGISLATURE OF THE NORTH-WEST TERRITORIES:

"In each province the legislature may *exclusively* make laws in relation to matters coming within the classes of subjects next hereafter mentioned, that is to say.—

1. The amendment from time to time, notwithstanding anything in this Act, of the constitution of the province except as regards the office of lieutenant-governor.

2. Direct taxation within the province in order to the raising of a revenue for Provincial purposes.

3. The borrowing of money on

"The legislative assembly (of the N. W. T.) shall, *subject to the provisions of this Act or of any Act of the Parliament of Canada declared applicable to the Territories*, have power to make *ordinances* for the government of the Territories in relation to the classes of subjects next hereinafter mentioned that is to say.—

Direct taxation within the Territories in order to raise a revenue for territorial, municipal or local purposes.

the sole credit of the province.

4. The establishment and tenure of provincial offices and the appointment and payment of provincial officers.

5. The management and sale of the Public lands belonging to the province and of the timber and wood thereon.

6. The establishment, maintenance and management of public and reformatory prisons in and for the province.

7. The establishment, maintenance and management of hospitals, asylum, charities and eleemosynary institutions in and for the province other than marine hospitals.

8. Municipal institutions in the province.

9. Shop, tavern, saloon auctioneer and other licenses in order to the raising of a revenue for provincial, local or municipal purposes.

10. Local works and undertakings other than such as are of the following classes,—

a. Lines of steam or other ships, railways, canals, telegraphs and other works and undertakings connecting the province with any other or others of the provinces or extend-

The establishment and tenure of territorial offices and the appointment and payment of territorial officers out of territorial revenues.

The establishment maintenance and management of prisons in and for the Territories—the expense thereof being payable of territorial revenues.

Municipal institutions in the Territories including the incorporation and powers, not inconsistent with any Act of Parliament of irrigation districts, that is to say associations of land owners and persons interested in lands in any district or tract of land for the purpose of constructing and operating irrigation works for the benefit of such lands.

Shop, tavern, saloon, auctioneer and other licenses in order to raise a revenue for territorial or municipal purposes.

4
ing beyond the limits of the provinces.

b. Lines of steamships between the Province and any British or foreign country.

c. Such works as, although wholly situated within the Province are, before or after their execution, declared by the Parliament of Canada, to be for the general advantage of Canada or for the advantage of two or more of the Provinces.

11. The incorporation of companies with provincial objects.

The incorporation of companies with Territorial objects with the following exceptions.—

a. Such companies as cannot be incorporated by a provincial legislature.

b. Railway companies (not including tramway and street railway companies) and steam boat, canal, telegraph and irrigation companies.

12. The solemnization of marriage in the province.

The solemnization of marriages in the Territories.

13. Property and civic rights in the province.

Property and civil rights in the Territories.

14. The administration of justice in the province including the constitution, organization and maintenance of provincial courts *both of civil and of criminal jurisdiction* and including procedure in civil matters in those courts;

The administration of justice in the Territories including the constitution, organization and maintenance of Territorial courts of *civil jurisdiction*, including procedure therein *but not including the power of appointing any judicial officers (except clerks of the court;)*

15. The imposition of punishment by fine, penalty or imprisonment for enforcing any law of the province made in relation to any matter coming within the classes of subjects enumerated in this section.

The imposition of punishment by law, penalty, or imprisonment for enforcing any Territorial ordinances.

16. Generally all matters of a merely local or private nature in the

13. Generally all matters of a merely local or private nature in the

5
province.

B. N. A. ACT 1867, SEC. 92

Education with certain restrictions as to separate schools.

B. N. A. ACT 1867, SEC. 93.

Agriculture and Immigration subject to certain restrictions.

B. N. A. ACT 1867 SEC. 95.

Education with certain restrictions as to separate schools.

N. W. T. ACT SEC. 14.

AS TO PUBLIC LANDS.

"All lands, mines, minerals and royalties belonging to the several provinces of Canada, Nova Scotia and New Brunswick at the Union and all sums then due or payable for such lands, mines, minerals or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof and to any interest other than that of the province in the same."

BRITISH NORTH AMERICA ACT. SEC. 109.

NOTE:—

Revenues derived by various provinces from lands, mines, minerals etc., as shown by Public Accounts of these provinces.

1897	Ontario.....	\$1,609,285.90
1903	Quebec.....	\$1,036,859.46
1893	New Brunswick.....	\$ 143,867.33 (+ \$150,000)
1893	Nova Scotia.....	\$ 203,047.99
1896	British Columbia.....	\$ 262,408.85 (+ \$100,000)

The amount added to New Brunswick's revenue represents the yearly grant of \$150,000 paid to that province by the Dominion in consideration of the repeal of the provincial export duty on logs, and that added to British Columbia's revenue represents the amount paid yearly to that province by Canada in exchange for a 20 mile belt on each side of the Canadian Pacific Railway in that province.

QUERY:—

How much money should the North-West Territories receive from the Dominion of Canada each year for local government purposes in exchange for 24,300,000 acres of land in the Territories granted in aid of the construction of the C. P. R. and valued \$1 per acre?

"All ungranted or waste lands in the province (Manitoba) shall be vested in Her Majesty and administered by the Governor-in-Council for the purposes of Canada subject to any exception so far as the same are affected by the conditions and stipulations contained in the agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty.

All Crown Lands in Manitoba which are shown to the satisfaction of

6

the Dominion Government to be swamp lands shall be transferred to the Province and enure wholly to its benefit and uses."

REVISED STATUTES OF CANADA, CHAPTER 47, SEC. 3 AND 4.

AS TO SUBSIDIES PAYABLE TO THE SEVERAL PROVINCES BY THE DOMINION OF CANADA.

"The following sums shall be paid yearly to the several provinces for the support of their governments and legislatures.

Ontario, Eighty thousand dollars.

Quebec, Seventy thousand dollars.

Nova Scotia, Sixty thousand dollars.

New Brunswick, Fifty thousand dollars.

And an annual grant in aid of each province shall be made equal to eighty cents per head of the population as ascertained by the census of one thousand, eight hundred and sixty one, and in the case of Nova Scotia and New Brunswick by each subsequent decennial census *until the population of each of those two provinces amounts to four hundred thousand souls at which rates the grant shall hereafter remain.* Such grants shall be in full settlement of all future demands on Canada and shall be paid half yearly in advance to each province; but the Government of Canada shall deduct from such grants as against any province all sums chargeable as interest on the public debt of that province in excess of the several amounts stipulated in this act."

B. N. A. ACT, SECTION 113.

Subsidies paid by the Dominion of Canada to the several provinces under above section in fiscal year ended 30th. June, 1897.

Ontario,	\$1,336,287.28
Quebec,	1,086,713.48
Nova Scotia,	432,808.96
New Brunswick,	483,554.82

AUDITOR GENERAL'S REPORT 1896-7, PAGE A. 41

SUBSIDY TO MANITOBA.

"The following amounts shall be allowed as the annual subsidy to the province of Manitoba and shall be paid yearly to the said province.

(a) For the support of the government and legislature. fifty thousand dollars.

(b) On an estimated population of one hundred and fifty thousand at eighty cents per head, one hundred and twenty-five thousand dollars, subject to be increased as hereafter mentioned that is to say, a census of the province shall be taken every fifth year reckoning from the general census of one thousand eight hundred eighty-one; and an approximate estimate of the population shall be made at equal intervals of time between each quinquennial and decennial census, and whenever the population by any such census or estimate exceeds one hundred and fifty thousand which shall be the minimum on which the said allowance shall be calculated,

7

the amount of the said allowance shall be increased accordingly and so on until the population has reached four hundred thousand souls.

(c) As an indemnity for want of public lands one hundred thousand dollars.

The capital sum on which the Province of Manitoba is entitled to receive half-yearly payments of interest at the rate of five per cent. per annum, as fixed by the Act thirty-third Victoria, chapter three, and as readjusted or increased by any subsequent Act, shall, from and after the first day of July, one thousand eight hundred and eighty-five, be calculated on a population of one hundred and twenty-five thousand, at the rate *per capita* ascertained by dividing by seventeen thousand (that is to say, the estimated population of the Province of Manitoba under the Act thirty-third Victoria, chapter three) the sum of five hundred and fifty-one thousand, four hundred and forty seven dollars,—being the amount of capital on which the said Province was entitled to receive interest under and by virtue of section twenty-four of the Act last above cited and the Act thirty-sixth Victoria, chapter thirty;—and shall be charged with such advances as had, up to the twentieth day of July, one thousand eight hundred and eighty-five, been made to the Province, and with such expenditure as had been made therein by the Dominion for purposes of a strictly local character, and with a further sum of one hundred and fifty thousand dollars, which the Dominion Government may advance to the Province to meet the expenditure of constructing a lunatic asylum, and other exceptional services. 49 V., c. 46, s. 5. An Act respecting subsidies and allowances to Provinces. 49 V., c. 46, s. 5 and 6.

NOTE :—

Manitoba received in the year ending 31st Dec. 1897 from the Dominion as a subsidy \$470,335.74, not including \$13,492.88 interest on school lands fund.

(2) It will be noted that a special subsidy is paid by the Dominion to each province "for support of government and legislature" and that the whole population on which the eighty cents per head is paid is *limited to 400,000 souls*—that is that the total subsidy receivable by a province from the Dominion on these bases is \$370,000. This has an important bearing on the question of the establishment of provinces in the Territories. Whenever our population exceeds 400,000 souls we would, if erected into one province, begin to lose money required for local government purposes, and this yearly loss would increase until it amounted to \$320,000 per annum plus the \$50,000 granted for support of government and legislature—in other words two provinces would ultimately draw \$370,000 per annum more from the Dominion treasury than one province would draw for local government purposes. While this arrangement doubtless accounts for the tenacity with which the county province of Prince Edward Island holds on to its separate government it will also be a sufficient reason for the territories lying between Manitoba and British Columbia

4

(a territory 220 times as large as Prince Edward Island) *demanding either that the bases on which subsidies are paid be readjusted or that at least two provinces be established.* There can be no good reasons why 800,000 Canadians living in Nova Scotia and New Brunswick should draw \$750,000 a year from the Dominion for local government purposes while 800,000 Canadians who will yet inhabit these Territories would only draw \$370,000 from the same source for similar purposes.

The accompanying map will give a fairly correct idea of the relative sizes of the provinces and territories.

ADVANTAGES TO PROVINCES.

The Governor in Council may, in his discretion, advance, from time to time, to any Province of Canada, any sums required for local improvements in the Province, and not exceeding in the whole the amount by which the debt of the Province for which Canada is responsible then falls short of the debt with which the Province was allowed to enter the Union.

Such advances shall be deemed additions to the debt of the Province, and the Province may repay them to Canada, on such notice, in such sums and on such conditions as the government of Canada and that of the Province agree upon; and any amount so repaid shall be deducted from the debt of the Province in calculating the subsidy payable to it; Provided always, that no such advance shall be made to any Province unless it has been previously sanctioned by an Act of the Legislature of that Province. R. S. C. c. 56, s. 8.

NOTE:—

Any public buildings required by the Territories for care of lunatics or incurables or for the erection of court houses and jails could be provided out of moneys so advanced to the Territories by the Dominion for such purposes. Under the Act 61 Victoria, chapter 4, passed at the late session of the Dominion Parliament the cost of erecting the legislative buildings and government house at Winnipeg which had been charged against the province by the Dominion was charged back against the Dominion instead of against the province.

THE C. P. R. LAND GRANT AND EXEMPTIONS.

“9, In consideration of the premises the Government agree to grant to the company a subsidy in money of \$25,000,000 and in land of 25,000,000 acres. etc.

11 The grant of land hereby agreed to be made to the company shall be so made in alternate sections of 640 acres each extending back 24 miles deep on each side of the railway from Winnipeg to Jasper House in so far as such lands shall be vested in the government the company receiving the sections bearing uneven numbers. But should any of such sections consist in a material degree of land not fairly fit for settlement the company shall not be obliged to receive them as part of such grant

and the deficiency thereby caused and any deficiency thereby caused and any further deficiency which may arise from the insufficient quantity of land along the said portion of railway to complete the said 25,000,000 acres or from the prevalence of lakes and water stretches in the sections granted (which lakes and water stretches shall not be computed in the acreage of such sections) shall be made up from other portions to be selected by the company in the tract known as the Fertile Belt that is to say the land lying between parallels 49 and 57 degrees of north latitude or elsewhere at the option of the company by the grant therein of similar alternate sections extending back 24 miles deep on each side of any branch line or lines of railway to be located by the company and to be shown on a map or plan thereof deposited with the Minister of Railways, or of any common front line or lines agreed upon between the government and the company, the conditions hereinbefore stated as to lands not fairly fit for settlement to be applicable to such additional grants, and the company may with the consent of the government select in the North West Territories any tract or tracts of land not taken up as a means of supplying or partially supplying such deficiency but such grants shall be made only from lands remaining vested in the government.

16. The Canadian Pacific Railway and all stations and station grounds, workshops, buildings, yards and other property, rolling stock and appurtenances required and used for the construction and working thereof and the capital stock of the company shall be forever free from taxation by the Dominion or by any province hereafter to be established or by any municipal corporation therein and the lands of the company in the North West Territories, until they or either sold or occupied, shall also be free from such taxation for 20 years after the grant thereof from the crown.

CLAUSES 9, 11 AND 16 OF THE CONTRACT BETWEEN THE GOVERNMENT OF CANADA AND GEORGE STEVEN AND OTHERS WHICH BECAME LAW ON 15TH FEBY. 1880, AND WAS TRANSFERRED BY THE LATTER TO THE CANADIAN PACIFIC RAILWAY CO. 9TH APRIL, 1881.—

"North West Territories" in this contract included that part added to Manitoba in 1884.

NOTE:—

Whether the government of Canada *had a right* to impair the rights of future provinces forever by restricting their power to tax, as set out in the above mentioned, contract is a question which has some bearing on the equitable right of the local government (or local governments) of these Territories to receive compensation from the government of Canada for the loss of taxes occasioned by the extraordinary exemptions set out in that contract.

2. If provinces of Canada are entitled to equal rights in matters of local self government (and nothing less should ever be considered a final settlement of our relations with the Dominion) then the public lands of these Territories are a *trust* for the proper administration of which the Dominion of Canada must some day account to the Territories.

16

New provinces have a right to all sources of revenue possessed by the original provinces. From our point of view the burdens imposed on the people of Ontario by the legislature of that province are heavy. How much heavier would these burdens be if Ontario had not its million and a half a year from its public lands?

If our public lands are a trust in the hands of the Government of Canada to be administered for the benefit of provinces yet to be, then the future provinces are fairly entitled to compensation for such lands as have been granted by the Dominion to aid the construction of national highways. The Canadian Pacific Railway, like the Intercolonial and other government railways in Eastern Canada, is a national highway built under terms of agreement between the Dominion and certain of its provinces. Like the Intercolonial *the whole cost of its construction should be borne by the whole Dominion of Canada.*

Up to the 30th June, 1896 the Intercolonial and other government railways in Eastern Canada had cost the Dominion \$68,161,630 including \$8,138,911 paid for running expenses over and above the earnings of the road and not including interest on their cost. This amount represents a considerable portion of the debt of Canada—a debt which is not likely to be repaid before the population of Canada west of Lake Superior exceeds that east. On the other hand school districts and local improvement districts in the North-West Territories are every year compelled to contribute toward the cost of construction of the Canadian Pacific Railway in the form of tax exemptions. Is it fair that these districts should be forced to bonus national highways every year for ever? If it was a *national* necessity that these exemptions should have been made, it is a *local* necessity that compensation be paid by the Dominion to our school and local improvements districts through our local legislature for their yearly loss of revenue because of such exemptions.

ERRATA:—Page 5—opposite the word “provinces” read “territories”, on same page for “24,300,000” read “22,300,000. Page 8 for “ADVANTAGES” read “ADVANCES.”

